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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/537,390

01/31/2007

Adrian Kendall

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04/29/2009

Momkus McCluskey, LLC  
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EXAMINER

DOAN, JENNIFER

ART UNIT

PAPER NUMBER

2874

MAIL DATE

DELIVERY MODE

04/29/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/537,390	<b>Applicant(s)</b> KENDALL, ADRIAN	
	<b>Examiner</b> Jennifer Doan	<b>Art Unit</b> 2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 32-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-23 and 32-38 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because the abstract is not on a separate sheet.

Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words.

Correction is required. See MPEP § 608.01(b).

Applicants' cooperation is requested in correcting any other errors of which applicants may become aware in the specification.

### ***Allowable Subject Matter***

2. Claims 1-23 and 32-38 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art of record fails to disclose or reasonably suggest all the limitations of claim 1. Specifically, the prior art fails to disclose a method for forming an apparatus for aligning and fixing an optical fiber relative to an optical source, comprising first and second fixing brackets, each fixing bracket including: a support member for attachment to a substrate; first and second cantilever arms extending from the support member in opposing directions, each cantilever arm including fiber engagement means for engaging with the optical fiber and cantilevered to engage the engagement means with

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the optical fiber; and the apparatus further comprising a substrate including support means for receiving the support members so as to dispose the first and second fixing brackets such that the fiber engagement means of the first fixing bracket oppose the fiber engagement means of the second fixing bracket, for receiving and supporting an optical fiber therebetween at two longitudinal positions of the optical fiber.

Claims 2-3, 6-11 and 13-23 depend from claim 1.

The prior art of record also fails to disclose or reasonably suggest all the limitations of claim 4. Specifically, the prior art fails to disclose a method for forming an apparatus for aligning and fixing an optical fiber relative to an optical source, comprising first and second fixing brackets, each fixing bracket including: a support member for attachment to a substrate; first and second cantilever arms having different cross-sectional areas and extending from the support member in opposing directions, each cantilever arm including fiber engagement means for engaging with the optical fiber, and the apparatus further comprising a substrate including support means for receiving the support members so as to dispose the first and second fixing brackets such that the fiber engagement means of the first fixing bracket oppose the fiber engagement means of the second fixing bracket, for receiving and supporting an optical fiber therebetween at two longitudinal positions of the optical fiber.

Claim 5 depends from claim 4.

The prior art of record also fails to disclose or reasonably suggest all the limitations of claim 12. Specifically, the prior art fails to disclose a method for forming an apparatus for aligning and fixing an optical fiber relative to an optical source, comprising first and second fixing brackets, each fixing bracket including: a support member for attachment to a substrate comprising a channel running therethrough; first and second cantilever arms extending from the support member in opposing directions, each cantilever arm including fiber engagement means for engaging with the optical fiber; the apparatus further comprising a substrate including support means for receiving the support members so as to dispose the first and second fixing brackets such that the fiber engagement means of the first fixing bracket oppose the fiber engagement means of the second fixing bracket, for receiving and supporting an optical fiber therebetween at two longitudinal positions of the optical fiber; wherein the support means comprises a pair of blocks each adapted to engage with the respective channel of a respective support member.

The prior art of record also fails to disclose or reasonably suggest all the limitations of claim 32. Specifically, the prior art fails to disclose a method for forming a method for aligning and fixing an optical fiber relative to an optical source comprising the steps of positioning first and second fixing brackets cantilevered in the direction of the fiber on a substrate such that first and second fiber engagement means of the first fixing bracket oppose first and second fiber engagement means of the second fixing bracket; positioning an optical fiber intermediate the first and second fixing brackets for support therebetween at two longitudinal positions of the fiber; securing the first and

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second fixing brackets to the optical fiber at the points of contact of the fiber engagement means to the fiber; and adjusting the fiber alignment relative to the optical source, by adjusting the cantilevered fixing brackets.

Claim 33 depends from claim 32.

The prior art of record also fails to disclose or reasonably suggest all the limitations of claim 34. Specifically, the prior art fails to disclose a method for forming a method for aligning and fixing an optical fiber relative to an optical source comprising the steps of positioning first and second fixing brackets on a substrate such that first and second fiber engagement means of the first fixing bracket oppose first and second fiber engagement means of the second fixing bracket; positioning an optical fiber intermediate the first and second fixing brackets for support therebetween at two longitudinal positions of the fiber; securing the first and second fixing brackets to the optical fiber at the points of contact of the fiber engagement means to the fiber; adjusting the fiber alignment relative to the optical source comprising the steps of: distorting a first cantilever arm of each of the first and second fixing brackets; generating a resultant distortion in a second cantilever arm of each of the first and second fixing brackets in response to the distortion in the first cantilever arm; and correcting the alignment of the optical fiber as a consequence of the cantilever arm distortions.

Claims 35-38 depend from claim 34.

**Conclusion**

3. This application is in condition for allowance except for the following formal matters:

This application is in condition for allowance except for the objection of the abstract. Applicant is request to correct the objection of the abstract. See MPEP § 608.01(b).

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Doan whose telephone number is (571) 272-2346. The examiner can normally be reached on Monday to Thursday from 6:00am to 3:30pm, second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Uyen-Chau Le can be reached on (571) 272-2397. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jennifer Doan/  
Primary Examiner, Art Unit 2874